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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09 DODE-00
DOTE-00 EB-08 EPA-04 SOE-02 DOE-15 FMC-02 TRSE-00
H-02 INR-10 INT-05 IO-14 JUSE-00 L-03 NSAE-00
NSC-05 NSF-02 OES-07 OMB-01 PA-02 PM-05 SP-02
SS-15 ICA-20 FRB-01 LAB-04 SIL-01 STR-07 /178 W
----------029076 060852Z /12/20
R 050509Z JUL 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 7666
ALL EC CAPITALS

UNCLAS BRUSSELS 13146

C O R R E C T E D C O P Y (TEXT)

E.O. 11652: N/A
TAGS: EEC, UK, EFIS
SUBJECT: EC COMMISSION REACTION TO UK UNILATERAL FISHERY CONSERVATION MEASURES

REF: (A) 76 THE HAGUE 6050: (B) BRUSSELS 12602

1. EC COMMISSION SPOKESMAN ANNOUNCED JULY 5 THAT COMMISSION WILL SEEK CLARIFICATION FROM BRITISH GOVERNMENT CONCERNING UNILATERAL UK BAN ON NORTH SEA HERRING FISHING OFF THE WEST COAST OF SCOTLAND,WHICH IS TO COME INTO FORCE JULY 6. SPOKESMAN SAID THAT COMMISSION DOUBTS "URGENCY"OF THE BRITISH MEASURES AND IS PARTICULARLY CONCERNED ABOUT EFFECT THEY MAY HAVE ON EC FISHERY RELATIONS WITH THIRD COUNTRIES, SUCH AS NORWAY AND THE FAROE ISLANDS. SPOKESMAN FURTHER ADDED THAT, IN A REPORT ON THIS ISSUE TO THE EUROPEAN PARLIAMENT ON JULY 6, COMMISSION VICE PRESIDENT GUNDELACH WILL EXPRESS THE COMMISSION'S REGRET THAT THE BRITISH GOVERNMENT DID NOT
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RESPECT NORMAL COMMUNITY PROCEDURES BEFORE TAKING THIS ACTION.

2. PURSUANT TO OCTOBER 30, 1976 EC COUNCIL DECISION (REF A), MEMBER STATES HAVE BEEN ABLE TO IMPLEMENT NATIONAL CONSERVATION MEASURES AS LONG AS THEY ARE TEMPORARY, NON-DISCRIMINATORY, APPROPRIATE TO ENSURE

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PROTECTION OF RESOURCES, AND APPROVED BY THE COMMISSION.
UK HERRING FISHING BAN WAS PART OF PACKAGE OF MEASURES
NOTIFIED TO THE COMMISSION JULY 3, FOLLOWING FAILURE
OF JUNE 20-21 FISHERY COUNCIL TO AGREE ON EC INTERNAL
FISHING REGIME (REF B) (OTHER MEASURES INCLUDE BAN
ON NORWEGIAN WHITING FISHING OFF NORTH-EAST SCOTLAND,
INTRODUCTION OF MINIMUM MESH SIZES FOR LOBSTER FISHERMEN,
AND LIMITATION OF BY-CATCHES FOR CERTAIN SPECIES.)
INITIAL REACTION TO THE PACKAGE HAS BEEN HOSTILE,
PARTICULARLY ON THE PART OF DENMARK AND GERMANY.

3. AFTER RECEIPT OF CLARIFICATION IT NOW SEEKS
FROM UK, COMMISSION WILL HAVE TO DECIDE WHETHER TO
BRING ACTION IN EUROPEAN COURT OF JUSTICE, PURSUANT TO
ARTICLE 169 OF THE ROME TREATY, AIMED AT OVERTURNING
THE BRITISH MEASURES. COMMISSION SPOKESMAN OBSERVED
THAT, UNLIKE SIMILAR HERRING BAN BY IRELAND (WHICH COMES
INTO FORCE JULY 6 BUT EXPIRES SEPTEMBER 30), UK BAN
DOES NOT CONTAIN ANY TIME LIMITATION. HINTON

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